

REMARKS

Claims 1-13 are pending in this application. Claims 8-13 are withdrawn from consideration. By this Amendment, claim 1 is amended to further distinguish the claimed subject matter from the cited references.

No new matter is added by this Amendment. Support for the language added to claim 1 can be found throughout the specification, for example at page 5, line 23, page 6, line 8, page 10, lines 12-25 and Figure 1.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments:

(a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration as the amendments include amendments previously considered and agreed to by Examiner Madsen during previous interview; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Rejections Under 35 U.S.C. §103(a)

A. WO '064 in view of JP '196, Reghele and Jensen

Claims 1, 3 and 4 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO 97/06064 ("WO '064") as evidenced by WO 96/02422 ("WO '422") in view of JP 08-196196 ("JP '196"), U.S. Patent No. 6,351,927 ("Reghele") and U.S. Patent No. 4,919,951 ("Jensen"). This rejection is respectfully traversed.

The Patent Office alleges that WO '064 and JP '196 teach or suggest all of the features recited in claims 1, 3 and 4. The Patent Office has further introduced Reghele and Jensen as

allegedly teaching synchronized extruding, cutting, and packaging of meat plates as evidence that the length of an extruded meat plate relative to the width depends on the desired weight of the meat.

Applicant submits that contrary to the Patent Office's allegations, WO '064 and JP '196 do not teach or suggest all of the features recited in claims 1, 3 and 4. As discussed during the April 20 and May 3, 2005 interviews with Examiner Madsen, WO '064 and JP '196 do not teach or suggest the specific orientation of extruding the food substance. As such, Applicant has amended claim 1 to recite that the food substance is extruded so as to fill the carton packaging toward the cover panel.

The deficiencies of WO '064 and JP '196 are not remedied by Reghele and/or Jensen. Reghele does not teach or suggest that the food substance is extruded toward the cover panel as recited in claim 1. Jensen does not teach or suggest this feature either. In fact, Jensen teaches that a lid is placed on the trays after the food substance is placed on the trays. See column 3, lines 54-57 of Jensen. Additionally, the sole Figure of Jensen clearly shows that the cover of the tray is not at all connected to the tray. Thus, it is not possible for the food substance to be extruded toward the cover panel as recited in claim 1.

For the foregoing reasons, Applicant submits that WO '064, JP '196, Reghele and/or Jensen do not teach or suggest all of the features recited in claims 1, 3 and 4. Reconsideration and withdrawal of the rejection are thus respectfully requested.

B. WO '064 in view of JP '196, Reghele and Jensen, further in view of Vogt

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO '064 in view of JP '196, Reghele and Jensen, further in view of U.S. Patent No. 1,953,520 ("Vogt"). This rejection is respectfully traversed.

The Patent Office introduces Vogt as allegedly teaching a particularly shaped carton that increases the cooling surface area of the sides of the carton. The Patent Office further alleges that Vogt teaches a carton having a cover panel connected via a short end panel.

However, Applicant submits that Vogt does not teach or suggest that the food substance is extruded toward the cover panel as required in claim 1. As such, Vogt does not remedy the deficiencies of WO '064, JP '196, Reghele and/or Jensen discussed above.

For the foregoing reasons, Applicant submits that WO '064, JP '196, Reghele, Jensen and/or Vogt do not teach or suggest all of the features recited in claim 2. Reconsideration and withdrawal of the rejection are thus respectfully requested.

C. WO '064 in view of JP '196, Reghele and Jensen, further in view of Battistella

Claims 5, 6 and 7 were rejected under 135 U.S.C. §103(a) as allegedly being unpatentable over WO '064 in view of JP '196, Reghele and Jensen, further in view of U.S. Patent No. 4,907,421 ("Battistella"). This rejection is respectfully traversed.

The Patent Office introduces Battistella as allegedly teaching a shelf freezer that utilizes plates to press both panels of the food product cartons or product containing freezer frames, a shelf freezer that utilizes a conveyor system, and shelves/plates that can be adjusted for the height of the food product. The Patent Office thus alleges that Battistella remedies the deficiencies of WO '064, JP '196, Reghele and Jensen. Applicant respectfully disagrees.

Applicant submits that Battistella does not remedy the deficiencies of WO '064, JP '196, Reghele and/or Jensen. In particular Battistella does not teach or suggest that the food substance is extruded toward the cover panel as required in claim 1. As such, Applicant submits that WO '064, JP '196, Reghele, Jensen and/or Battistella do not teach or suggest all of the features recited in claims 5, 6 and 7.

Reconsideration and withdrawal of the rejection are thus respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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